

States. A new Federal bureaucracy, as proposed by the President and FDA, is not needed. In 1992, Congress made a bipartisan decision that State officials, not a Federal agency, were best suited to deal with the problem of underage tobacco use. The SAMSHA regulations are a constructive, constitutionally appropriate and cost-effective way to deal with underage tobacco use. The SAMSHA regulations take the right approach. FDA's approach is wrong, excessive, costly, and unnecessary.

#### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The \$4.9 trillion Federal debt stands today as a sort of grotesque parallel to that energizer bunny that appears and appears and appears on television in precisely the same way and to the same degree that the Federal debt keeps going up and up.

Politicians talk a good game—and "talk" is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote.

Mr. President, as of the close of business, Wednesday, January 24, the total Federal debt stood at exactly \$4,987,847,422,144.35 or \$18,932.30 per man, woman, child on a per capita basis. *Res ipsa loquitur*.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

#### A RECESS WOULD BE IRRESPONSIBLE

Mr. PRYOR. Mr. President, I rise today to discuss what the Senate is doing actually tomorrow on a very, very critical and important resolution that would put the Senate in recess for 1 month. To my way of thinking this could be the most irresponsible vote the U.S. Senate has taken in a long, long time. A month—30 days, Mr. President.

I think that such action would be the height of irresponsibility. If we think the American public is losing faith and confidence in our legislative institutions, just wait and see how they react when they see the Senate is voting to take a 30-day recess with all of the work that lies ahead.

The Senate and the Congress as a whole has much work to do, a lot of work to do. The shrinking amount of time in which to do it is something that I would like to discuss for a few moments this afternoon.

The first session of the 104th Congress, Mr. President, was one of the

busiest that we have ever seen. Unfortunately, however, it was one of the least productive. I will cite my friend, Senator BILL COHEN's op-ed piece recently in the Washington Post when he said—I think I can quote—"There's a great deal of motion, but very little movement." I think that aptly describes last year.

That first session of Congress lasted 365 days, 1 whole year. Only two other first sessions have lasted 365 days in the course of the Republic's history, Mr. President, the 77th Congress in 1941-42 and the 102d Congress in 1991-92.

The Senate, for example, was in session for 211 days. We took 613 rollcall votes. The House was in session 167 days. The House took 885 rollcall votes. What was the result of all of this movement and action, Mr. President? Only 88 bills were signed into law, the smallest number of bills becoming law since 1933.

Mr. President, a 30-day recess, like the one that is being proposed tomorrow, is truly unprecedented. A review of the Senate's congressional calendar shows the normal pattern for Congress is to begin work after the State of the Union. A short recess around the President's Day holiday is the norm. However, to simply shut down the U.S. Senate, for us not to work until the beginning of March, is a remarkable inconsistency.

So what does that mean for us today? It means that there is a lot for us to do in a year already shortened by the Presidential election. Some have even suggested that the Senate is arranging its schedule, depending upon the primaries in New Hampshire and the special caucuses in Iowa. I am not here to argue whether that is true or false, but that is being charged.

There are bills awaiting our attention that must be addressed, not to further the Democratic agenda or the Republican agenda, but to help the American people and to make their lives better and to live up to our responsibility.

I rise today to talk about some of this imperative legislation that I think we should be working on now rather than recessing tomorrow for a whole month's period.

For example, we are in the midst of a crisis in agriculture, and this affects all of rural America. In fact, it affects all America.

On January 1, some 25 days ago, the 1990 farm bill expired. Because no Congress in 40 years has failed to pass a farm bill, we are still exploring the ramifications of what it means to live under an expired farm bill. In short, chaos in rural America could very easily result. We need action in this area.

What we know for sure is that because there is not a farm bill, American agriculture is now, in large part, operating under laws enacted in the year 1949.

In the past several weeks, lawyers and staff at the U.S. Department of Agriculture began to piece together just

what this means for farmers, for consumers, and for the taxpayers. For example, while the cotton program operates as is until 1997, the rice program, as we know it, has now been terminated. Today across our country, there is no rice program. There has not been for 25 days. The so-called permanent law, or 1949 law, to which we are now reverting, includes provisions for commodities, such as wheat or corn; however, no provisions for rice.

The Secretary of Agriculture has said he would have to use some general authority under the CCC Charter Act to run a rice program, but research is still underway to see what kind of program he might legally operate.

There is great confusion. Arkansas grows 40 percent of all of the rice produced in our country, but other States, such as California, Mississippi, Louisiana, and Texas, are also large rice producers. Pulling together some kind of general authority and running a partial program could be devastating to the rice industry and to the rice farmers in these five States.

It is not just rice farmers who are very anxious right now. As many of my colleagues have pointed out, most farmers cannot even find out if they will be able to plant a crop, much less what that crop might be. Necessary operating credit, those loans that are so important to the American farmer, will not be extended to many farmers unless the various lending institutions have some idea of what the rules or regulations are in rural America relative to the new farm proposals.

Mr. President, with all of this uncertainty hanging over us in rural America, from producers to millers to ginners to seed salesmen to tractor dealers to processors and all the other businesses that serve the agriculture sector, it is unconscionable, I think, for this Congress to even contemplate recessing for a 30-day period.

Let me give you another example of how the American people are paying as a result of congressional inaction.

Last year, Congress made a legislative error in the GATT treaty which is forcing American consumers to pay millions and millions of dollars more for their prescription drugs every day. We had a debate on this floor. We had a very close vote on this floor.

For instance, the world's largest drug company, Glaxo, today is gaining \$6 million a day in undeserved enrichment—\$6 million a day in undeserved enrichment and profits. This single company has so far gained \$300 million, all of it subsidized by the American consumer from this congressional mistake. We had a chance to correct it. We did not meet that obligation. We must have that opportunity again.

Instead of acting quickly to fix it, Congress has let it drag on week after week after week. If we recess for 30 days, consumers across America will be paying another \$180 million in unnecessary health care costs for their drugs. That is outrageous. But there is no

company in this country today who would love to see the Senate adjourn, recess and leave town for the next 30 days more than the company of Glaxo. It means another \$180 million to them in undeserved enrichment.

This is not the only important health care issue being held up. A bipartisan proposal which would require insurance companies to stop dropping people when they change jobs and to prevent insurers from denying coverage for pre-existing conditions is being blocked today from consideration. There was an excellent article in this morning's Washington Post related to this situation.

This legislation, which would help almost 25 million Americans, is much too important to let die, it is much too important to let it be crowded off the Senate floor schedule simply because we are not in session, we are scattered to the four corners of the land and we cannot be found to do our legislative duty.

There are a number of tax credits that have expired. They need to be extended. The education tax credit, which encourages employers to help their employees improve their education, the research and development tax credit, the targeted jobs tax credit, which helps employers who hire disadvantaged workers, are just some of the examples. These tax credits are helping American business and workers all across this country today. But for 30 days, if we vote to go into this recess, they will be ignored while the Congress leaves town.

There are other bills pending that would change tax policy and make life simpler and better for Americans. For example, a bill to increase the health care deduction for the self-employed lies idle. This bipartisan bill would give self-employed Americans more of the tax cut that large corporations get for funding full health insurance.

Also put on hold is legislation introduced by the majority leader, myself and 44 other Senators to ease the tremendous burden placed on family-owned businesses by the estate tax. This bill would benefit farmers and family-owned businesses across our country.

Another bill on the sidelines is the Church Retirement Benefits Simplification Act, which would clarify the rules that apply to church retirement and welfare benefit plans and make it easier for churches to administer their retirement and benefit programs.

These bills all try to make the tax system friendlier and fairer, and all Americans should not be ignored while the Congress takes a month-long break.

Mr. President, in addition to these bills that I have discussed this afternoon, and many others that are also very important, there is also the issue of the Federal budget. The House, today, is likely to pass a 30-day continuing resolution to keep the Government running. We hope so. The Senate

will probably pass it tomorrow. We hope so. And then what happens, Mr. President, is we all leave town. We will be doing nothing to resolve the basic problems that have prevented us from enacting a budget and passing the final six 1996 appropriations bills.

Mr. President, I am talking about finishing up the spending bills that should have been completed last year. I have not even mentioned the fact that the work on the 1997 budget should begin in 10 days when the President submits his budget to the Congress. In addition, the debt ceiling must be lifted by March 1, Mr. President. If we recess and come back on the 26th of February, we will be returning with only a precious few hours to deal with this most important, very critical issue. Moody's has already issued a warning that they may downgrade Treasury bonds as a result of this pending uncertainty. The full faith and credit of the United States of America rests on our actions. There could be possible catastrophic results if we do not take action.

Finally, the people's business needs to be tended to—it is that simple—from rural America to Wall Street, and tomorrow could be the most irresponsible time that I have ever known for us to even consider beginning a 30-day recess. Rather, we should vote tomorrow to recommit ourselves, not to our business, but to the people's business.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

#### THE GOVERNMENT SHUTDOWNS WERE NOT ALL CONGRESS' FAULT

Mr. MURKOWSKI. Thank you, Mr. President. First of all, I would like to address my remarks to those Government employees who were victimized by the process of shutting down the Government. I am sorry—and I think all of my colleagues would share in that sentiment—for that unfortunate set of circumstances. I would like to point out, Mr. President, before we, the Members of Congress, are designated as the sole villain, consider for a moment that both the House and the Senate passed a reconciliation bill to fund the Government fully until all appropriations bills were completed. Our President chose to veto that reconciliation bill. Had he not, there would not have been a shutdown in Government. It seems the media and many have forgotten that, including some Government employees.

Further, Congress passed a significant majority of the appropriations bills, sent them to the President, and the President vetoed about half of them. The President made that decision, just as he made the decision to veto the reconciliation bill. He could have signed the appropriations bills, and those Government agencies would not have been shut down.

So, as a consequence, as we look at the fallout associated with the shutdown of Government, the blame is not all on the Congress, by any means. The President must share that blame. I find it very disturbing that the media does not seem to be able to pick up on that responsibility. There are legitimate differences of opinion in the President's version of the adequacy of the appropriations bills we passed, and he has reason to veto them. But, by the same token, I think he has to be realistic in recognizing that the responsibility is not Congress' alone.

Now, much has been said about the debt ceiling and the fact that sometime in March we are going to be asked to increase that debt ceiling from \$4.9 trillion to somewhere in excess of \$5.3 to \$5.4 trillion, and if we do not, the Federal Government is going to go into default. Some of us feel pretty strongly that the only way to turn this train around of continued debt is to initiate a process that generates a balanced budget in real terms. Real terms means in 7 years—but not 7 years with cuts in the sixth and seventh year, as President Clinton proposes.

Clearly, in the sixth or seventh year, regardless of the election, President Clinton will not be around to bear the brunt of those cuts, and those cuts truly are draconian. Congress is not going to have the self-discipline to do it either. We simply have to get spending under control. We have to reduce the rate of growth of the entitlements. That is basically what we attempted to do with Medicare—not cut it, simply reduce the rate of growth. Many of the public, the elderly, did not seem to catch that difference. Medicare would be increased next year over this year and the year after, but not at the same rate of growth. The President's own Cabinet suggested that Medicare will be bankrupt in 7 years if we do not address that. It is not being addressed under the President's proposal. The ramifications of that suggest business as usual.

Many do not seem to have really captured what this debate was all about. It was not just about a balanced budget. It was about redirecting America, re-dedicating, if you will, that Washington does not know all, control all, regulate all; but the responsibility should be dictated, as much as possible, to the States and, more directly, to the people. They are capable, and they are frustrated with the dictates from Washington. But that seems to be lost in this debate.

So the significance of where we are at this time, I think, needs real examination, because if corrective action is not taken, if somehow we do not get the attention of the administration to address a real balanced budget, we are simply going to add to this accumulated debt, which, as I have said, is \$4.9 trillion, and the interest on that is some \$236 billion, which is more than our annual debt. That means that what we are spending in excess of what we